

Alfredo Garces Jr.  
Chair

RECEIVED

Members:  
Linda Kaauwai-Iwamoto  
Alfred Levinthol  
Michael Martinez  
Chad Pacheco  
Thomas Nizo

20 JAN 21 P1:36

Jen Chahanovich  
Vice Chair

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

**COUNTY OF KAUAI FIRE COMMISSION  
NOTICE OF SPECIAL MEETING AND AGENDA**

**Monday, January 27, 2020**

8:00 a.m. or shortly thereafter

Mo'ikeha Building, Meeting Room 2A/B, 4444 Rice Street, Lihu'e, HI 96766

**CALL TO ORDER**

**CHAIR'S COMMENTS/ANNOUNCEMENTS INCLUDING, BUT NOT LIMITED TO:**

Next Regular Monthly Meeting – 2 p.m. on **Monday, February 3, 2020** at the Mo'ikeha Meeting Rooms 2A/2B. Executive Session to follow.

**APPROVAL OF THE SPECIAL OPEN SESSION MEETING MINUTES OF THE  
DECEMBER 12, 2019**

**EXECUTIVE SESSION**

ES KFC 2018-002 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to discuss the hiring of a new Fire Chief and other related matters where consideration of matters affecting privacy will be involved, and to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to this item. (On-going)

ES KFC 2020-001 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to deliberate and make decisions on a list of candidates the Permitted Interaction Group No. 3 is recommending to move forward to the interview phase of the hiring process. The further purpose is to discuss each individual candidate qualifications' where consideration of matters affecting privacy will be involved and to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to this item.

ES KFC 2020-002 Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to interview questions presented by the Permitted Interaction Group No. 4.

RETURN TO OPEN SESSION TO RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION FOR ITEMS ES KFC 2018-002 AND ES KFC 2020-001.

**NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawai'i Revised Statutes, ("H.R.S.") §92-7(a), the Commission may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to H.R.S. §92-4 and §92-9 and shall be limited to those items described in H.R.S. §92-5(a). Discussions held in Executive Session are closed to the public.

**ADJOURNMENT**

cc: First Deputy County Attorney Nicholas Courson

**PUBLIC COMMENTS and TESTIMONY**

Persons wishing to offer comments are encouraged to submit written testimony at least 24 hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only.
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide ten (10) copies of your written testimony at the meeting.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Kaua'i Fire Commission

Office of Boards and Commissions

4444 Rice Street, Suite 150

Līhu'e, HI 96766

[mromo@kauai.gov](mailto:mromo@kauai.gov) Phone: 241-4920 Fax: 241-5127

Special Assistance

If you need an auxiliary aid/ service or other accommodation due to a disability, contact Anela Segreti at (808) 241-4917 and email [segreti@kauai.gov](mailto:segreti@kauai.gov) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

**Event Detail**

[<< All Events](#)

**Special Fire Commission Meeting**  
**Monday, January 27, 2020 @ 8:00 AM - 10:00 AM**

This notice is to satisfy the notice requirement of Hawaii Revised Statutes (HRS) Section 92-7.

Click below for a pdf file of the posted agenda

[01-27-2020](#)

<b>When &amp; Where</b>
<b>Date / Time</b> Monday, January 27, 2020 @ 8:00 AM - 10:00 AM Hawaiian Standard Time
<b>Venue</b> <a href="#">Lihue Civic Center - Moliheha 2A/2B</a> 4444 Rice St, Lihue, HI 96766, USA
<b>Follow And Share</b>
<a href="#">Export to my calendar</a>

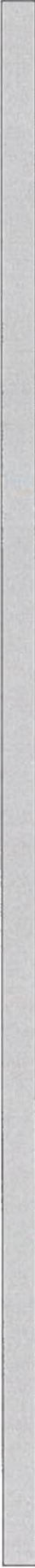
RECEIVED

'20 JAN 21 P1:36

OFFICE OF  
 THE COUNTY CLERK  
 COUNTY OF KAUAI

COUNTY OF KAUAI  
Minutes of Special Open Session Meeting  
**OPEN SESSION**

Board/Commission	<b>Kaua'i Fire Commission</b>	Meeting Date	<b>December 12, 2019</b>
Location	Mo'ikeha Building – Meeting Room 2A/B	Start of Meeting: 9:00 a.m.	End of Meeting: 11:00 a.m.
Present	Chair Chad Pacheco; Vice Chair Linda Kaauwai-Iwamoto; Commissioners: Jen Chahanovich, Alfredo Garces Jr., Alfred Levinthol, Michael Martinez and Thomas Nizo. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Nicolas R. Courson; Kaua'i Fire Department: Battalion Chiefs Jason Ornellas and Gar Hudson. Department of Human Resources: HR Manager II Jill Niitani.		
Testifiers	Mr. Mike Gibson and Mr. Ron Akiyama		
Absent			



SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>	Chair Pacheco noted for the record that let the agenda reflect the correct day as Thursday, December 12, 2019 and not Wednesday, December 12, 2019.	Chair Pacheco called the meeting to order at 9:00 a.m. with all seven Commissioners present.
<b>Chair Announcements</b>	Next Regular Monthly Meeting – 2 p.m. Monday, January 6, 2020 at the Mō'ikeha Building, Meeting Room 2A/2B. Executive Session to follow.	
<b>Business KFC 2019-20</b>	<u>Discussion and decision-making to appoint an Acting Interim Fire Chief until such time the Commission hires a new Fire Chief.</u>  Mr. Courson explained the Commission's three minute rule on giving oral testimony and that it's not an opportunity for the Commission and the public to engage in a question and answer session, but if the Commissioners have a particular follow-up question based on something intriguing they may have heard they can ask the question, but they have to keep it simple and factual. He further explained that the three minute rule would not apply to the Battalion Chiefs because they are employees of the County and that their testimony would be considered official. But if they want to testify as a member of the public they need to state it the record, then the three minute rule would apply to them.	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Pacheco thanked Mr. Courson for the clarification. He called on Mr. Mike Gibson to give his testimony.</p> <p><u>Testimony from the Public and Employees in the Kaua'i Fire Department</u></p> <p>Mr. Gibson testified that he supports all of the Commission's effort to appoint an interim Fire Chief as soon as possible. He stated that he's not here to nominate or recommend any particular individual, but wants to stress the importance of never allowing the position of the Fire Chief to remain vacant at any time in the future and that the Commission should have a written plan in place to appoint an interim Fire Chief when it is immediately known there will be a vacancy.</p> <p>Chair Pacheco asked, both Battalion Chiefs Gary Hudson and Jason Ornellas to state for the record if their intent is to testify in their official capacities to which both replied yes, but they would like to wait until the public had a chance to testify.</p> <p>Chair Pacheco thanked the Battalion Chiefs Hudson and Ornellas for the clarification. He called on Ron Akiyama, Pacific Missile Range Facility Fire Chief to address the Commission.</p> <p>Mr. Akiyama testified that he knows the Commission is in the process of trying to hire a new Fire Chief for the Kaua'i Fire Department and that he felt compelled to ask the question what makes a good chief and who does the chief really work for. He voiced his concerns that it wouldn't be fiscally responsible of the Commission to hire a temporary fire chief on an 89 day contract because it would take money away from the Fire Department's budget who is already having to deal with overtime issues. He questioned whether the temporary position would include overtime benefits. He stated that he supports the Battalion Chiefs proposal to fill in the top spot temporarily because it would lessen any financial burden on the Department and the County. He applauds the Chiefs for sacrificing their benefits that are afforded to the rank and file. In ending, by saying a good fire chief will always put the safety of his firefighters first and will always make sure they go home safe because he works for them.</p> <p>Chair Pacheco thanked Mr. Akiyama for his testimony, then called on Mr. Jeff Murray to give testimony.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Jeff Murray, former Maui County Fire Chief testified that he has been a fire fighter for the Maui County Fire Department for thirty-three years of which ten of those years as Fire Chief. He stated that he's here today to confirm if his certified letter that he sent to the Mayor requesting information on the Commission's qualifications process was received by the Fire Commission. Mr. Courson explained to Mr. Murray that this portion of the meeting is for the Commission to accept public testimony on agenda item KFC 2019-20 not to seek information on the Commission's qualification process. Mr. Murray thanked Mr. Courson for the clarifying the testimony process.</p> <p>Chair Pacheco asked the members in the audience if there was any one who wish to give testimony on item KFC 2019-20. Seeing no one, he called on Battalion Chief Jason Ornellas to address the Commission in his official capacity.</p> <p>Battalion Chief Ornellas stated that he has been with the Kaua'i Fire Department for thirty-one years and that the Department has been a longtime advocate for the Fire Commission. He explained that the purpose of him being here today is because his fellow firefighters had concerns about where the process to hire a new Fire Chief was at and in listening to their concerns he reassured them that the Commission is doing their due to diligence to find the right person for the job.</p> <p>With regard to Battalion Chief Kanoho's proposal to fill in the top spot until the Commission hires a new Fire Chief, the Battalion Chiefs met with other senior members in the Department to get their input on how they felt about the proposal and they all supported it. He stated that part of the proposal was to appoint Battalion Chief Gary Hudson and himself to the number two and number three positions temporarily until the Commission hires a new Fire Chief. He stated that the proposal would be a good move because it will give the temporarily assignments the opportunity to be mentored by ranking members so that one they can use what they have learned to move up in rank and become a fire captain or battalion chief.</p> <p>He stated that he concurs with Mr. Akiyama that the proposal should be viewed as a so-called smart spending initiative because the Department would not encumber any overtime costs and it would not exceed more than \$120.00 a day. With regard to the 89 day contract, he doesn't know what costs it would entail and where the money would be coming from, but in light of the Council's and the Administration's concerns about spiking and the abuse of overtime, they felt that B/C Kanoho's</p>	

SUBJECT	DISCUSSION	ACTION
	<p>proposal would be the most fiscally responsible thing to do. He also noted that they are aware that stepping up to leadership positions would exclude them from receiving benefits that are normally afforded to the rank and file, but they are willing to take on the responsibility and lead the Department with fairness, transparency and with no hidden agendas. In ending, Battalion Ornellas stated that whatever decision the Commission makes, the Battalion Chiefs will support it and will continue to move the Department forward with the progress they have already made in the last couple of years. With no further testimony, he asked the Commissioners if they had any questions for him.</p> <p>Chair Pacheco asked if the Department had enough manpower to fill in the gaps as the result of having to move people around and without having to use overtime to which B/C Ornellas replied yes, and stated that at the end of the year, if everyone who is expected to retire submits their retirement papers and actually retires, the Department will have five vacant positions in 2020. He mentioned in the past, the Department at the most had twelve vacant position but staff was able to accommodate those positions.</p> <p>Mr. Nizo asked Mr. Courson if the Commission have the ability to recall a person to the floor to ask them additional questions to which Mr. Courson replied that there is a little bit of a gray area when recalling a person to the floor because you don't want to give any particular perspective more time than another, but if he had a particular factual question he would like to keep it as narrow as possible. With regard to Battalion Chiefs the three minute rule would apply to them because the purpose of recalling is for the Commissioners is to gather additional information.</p> <p>With no further questions, Chair Pacheco called on Battalion Chief Gary Hudson to address the Commission.</p> <p>Battalion Chief Hudson stated that he has been with the Kaua'i Fire Department for a little over twenty-six years and he loves his job. He's here today to express his concerns and will be speaking on behalf of Battalion Chief Solomon Kanoho who could not make to the meeting because of illness. . He thanked the Commissioners for all of their hard work to find a new fire chief which been going on for two years now.</p>	



SUBJECT	DISCUSSION	ACTION
	<p>He shared that he sought input from other senior leadership members in the Department to get a sense of how they felt about hiring a temporary fire chief and a new fire chief. He stated that they were concerned about the Commission's selection process and commended the Group for their efforts to bring the list of candidates down to more manageable number.</p> <p>With regard to the scoring system, according to the Commission's October meeting minutes they got a gist of how the scoring system worked, but their confused as to why two highly qualified candidates did not make it to the second round. One a former fire chief from an accredited fire department and the other a former Maui Fire Chief with over ten years of service who the Kaua'i Fire Department considers the Maui Fire Department the top in the State of Hawai'i. So the question he's compelled to ask on behalf of the men and women in Department why is it that those two highly qualified candidates did not make to the second phase in the hiring process which to him doesn't make any sense and that the Commission needs to take a long hard look at its selection process.</p> <p>He testified that he is in support of the Battalion Chiefs proposal because it sends a really good message to the rank and file and to the Administration that the Battalion Chiefs are ready and willing make personal sacrifices by taking a cut in pay for the betterment of the Kaua'i Fire Department. He stated that he agrees with Fire Chief Ron Akiyama and Battalion Ornellas that the proposal is the most fiscally responsible to do and that assigning the other fire fighters to temporary position would because the Department has the staff and enough manpower to do it.</p> <p>Chair Pacheco asked the Commissioners of they had any questions for Battalion Hudson. Sensing none, he thanked B/C Hudson for coming forth with his testimony. Mr. Nizo asked the Commissioners if they were ready to begin the discussion on accepting B/C Kanoho's proposal or appoint Mr. Westerman as a temporary 89 day hire.</p> <p>Hearing no response, he made a motion to temporary assign Mr. Westerman as fire chief to which Mr. Martinez seconded his motion.</p>	<p>Mr. Nizo moved to appoint Mr. Robert Westerman as a temporary 89 day hire as Fire Chief. Mr. Martinez seconded the motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Discussion</u> Chair Pacheco commended Mr. Westerman for his willingness to step-up to fill the fire chief's position as a temporary hire and that he respects his retirement; however, he's in favor of giving the Battalion Chiefs a chance to implement their proposal. He stated that he was unclear at first as to what the proposal actually entailed, but after listening to the Battalion Chiefs Hudson and Ornellas testimony he was enlightened by the fact that the proposal would give the rank and file the opportunity to be mentored by members of the upper level positions so that one day they themselves can become fire captains and battalion chiefs respectfully.</p> <p>Mr. Nizo stated that the hiring process has been a long journey and that the Commission have nautically and systematically made decisions to establish numerous permitted interaction groups, but it came with a cost because it prolonged the hiring process. To address the concerns about the Group's screening of resumes process as to which candidates would move on to the second phase and which candidates would not those decisions were based on how the information was presented on paper and nothing else.</p> <p>With regard to the Battalion Chiefs proposal, moving people from one position to another to cover one position would not be a good idea for the Department and commended the Battalion Chiefs for wanting to take on the responsibility. He stated that the Battalion Chiefs are the backbone of the Department and the community knows that, but appointing Mr. Westerman to a TA position is the way to go because he knows the ins and out of the Fire Department and he has a good relationship with members of the County Council and although the B/C's proposal would be the fiscally responsible thing to do, he doesn't want to see them have to take a cut in pay.</p> <p>Mr. Martinez thanked everyone who took the time to give testimony. He stated that he agrees with Commissioner Nizo that appointing Mr. Westerman as a temporary fire chief is the best path to take because he knows the ins and outs of the Fire Department. He thanked Battalion Chief's Ornellas and Hudson for enlightening the Commission with details of the proposal and for expressing their willingness to want to take on the responsibility to lead the Department. He commended the Commission for being transparent with the hiring process and as a member of the Group, he knows first-hand how hard the members have been working very hard to come up recommendations for the Commissioners to consider.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Garces thanked the Group for all of their hard work and for their continued work to come up with good recommendations for the Commission to consider and the Battalion Chiefs for their proposal. He also thanked the Department of Human Resources and the Office of Boards and Commissions for helping the Group and for giving them guidance. He stated that the Commission is at a cross road that it needs to appoint a temporary fire chief because of the upcoming budgetary reviews and he agrees with Commissioners Nizo and Martinez that appointing Mr. Westerman as a 89 day temporary hire fire chief is the right decision to make.</p> <p>Ms. Chahanovich stated that what important for the Commission is not to have a vacant fire chief or vacant interim chief and although she's grateful for having options and for having people willing to step-up the Commission needs to make sure that there are no interruptions in the other bureaus therefore her recommendation would be to appoint retired Fire Chief Westerman as a temporary 89 day hire fire chief.</p> <p>Vice Chair Iwamoto stated that she is in favor of appointing former Fire Chief Westerman as a temporary 89 day hire fire chief until the Commission hires a new fire chief. She thanked the Battalions Chief for stepping forward and wanting to help the Fire Department move forward.</p> <p>Chair Pacheco invited Mr. Westerman to address the Commission.</p> <p>Mr. Westerman stated that he's honored and privileged for the opportunity to return to his former position should it be the outcome of the vote. He pointed that he understands the Battalion Chiefs position, but it's a symptom of a bigger problem in regard to the lack of leadership which is something he believes the Commission and himself wants to avoid. He noted that in his previous testimony the Battalion Chiefs needs to remain in a position where they do the best work because they all are very good managers and very astute leaders. He stated that it is imperative that the Commission appoint a temporary fire chief even if it's not him to fill the position.</p> <p>Chair Pacheco asked Mr. Westerman if nominated when can he start to which Mr. Westerman replied at the pleasure of the Commission or as soon as possible.</p>	

SUBJECT	DISCUSSION	ACTION
<p><b>KFC 2019-21</b></p>	<p>With no further questions, Chair Pacheco called for a roll call vote to appoint Mr. Westerman as a temporary 89 day hire fire chief. The roll call vote ensured.</p> <p>Commissioner Chahanovich – Aye                      Commissioner Garces – Aye                      Commissioner Levinthol – Aye                      Commissioner Martinez – Aye                      Commissioner Nizo – Aye                      Vice Chair Iwamoto – Aye                      Chair Pacheco – Nay</p> <p><u>Discussion and decision-making on implementing the salary for the Kaua'i Fire Chief at the maximum salary cap of \$137,022 or an amount lower than the cap as reflected in Salary Resolution 2019-1.</u></p> <p>Chair Pacheco asked if there was any one in the audience who wish to give testimony on item KFC 2019- 21. Seeing no one. Chair Pacheco moved on to conduct business.</p> <p>Mr. Nizo asked for clarification if the \$137,022 reflected in Salary Resolution 2019-1 is for the new Fire Chief or for the temporary assignment to which Mr. Courson replied that he doesn't know what the Commission intent is, but he thinks it's probably for the temporary assignment (TA) position.</p> <p>Mr. Nizo asked if the \$137,022 would be prorated and what would the amount be to which Mr. Courson stated that based on Ms. Niitani's calculations the prorated amount would be approximately \$34,000 for an 89 day contract at the maximum rate. He asked Ms. Niitani based on her calculation if she would need some leeway being that the maximum dollar amount isn't rounded off to the nearest dollar. Ms. Niitani replied that the maximum amount should be rounded to the nearest dollar amount and should not exceed the maximum.</p> <p>Mr. Courson commented that the Commission should also take into consideration that a new fire chief could be hired before the 89 day contract expires or not. Mr. Nizo stated that he would include a caveat in his motion in case the temporary assignment exceeds the 89 day contract.</p>	<p><u>Motion</u>                      Mr. Nizo moved to appoint Robert Westerman as a temporary 89 day hire fire chief. Mr. Martinez seconded the motion. The motion carried by a roll call vote of 6:1.</p>
		<p><u>Motion</u>                      Mr. Nizo moved that approve the prorated amount should be rounded to the nearest dollar, not to exceed the maximum and if required a second 89 day hire contract. Vice Chair Iwamoto seconded the motion. The motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>With no further discussion, Chair Pacheco called for a motion and the vote.</p> <p>Before entering into Executive Session, Chair Pacheco asked the members in the of the audience if they wanted to testify on item ES KFC 2018-002 relating to the hiring of a new Fire Chief. Chair Pacheco called on Mr. Jeff Murray to address the Commission.</p> <p>Mr. Murray stated that he sent certified letters to the Mayor, the Department of Human Resources, Office of Boards and Commissions and the Fire Commission to specifically ask the Group's handling of screening the resumes.</p> <p>He stated that he found it rather interesting because the process the Kaua'i Fire Department used is the same process that the Maui Fire Department developed which was nonexistent in the State of Hawai'i previously. In looking at the scoring and criterias' he was taken aback from the whole process and would like to request a written response from the Commission as to what the process entailed because he doesn't understand it. He added that his concerns are not just his own, but because he lives Kauai he wanted to bring his concerns to the Commission because he doesn't feel that the screening process was fair and as an honest man, he will speak to it.</p> <p>Mr. Courson reiterated to Mr. Murray that this is not an opportunity for the Commissioners to engage in a question and answer session it's an opportunity for them to hear from him that a certified letter was sent to them. Mr. Murray stated that his letter contains other information as well and that all he wants is an explanation from the Commission which mirrors B/C Hudson's comment about the men and women in the Kaua'i Fire Department asking the same question.</p> <p>Chair Pacheco thanked Mr. Murray for his testimony, then called on Battalion Chief Hudson to address the Commission.</p> <p>Battalion Chief Gary Hudson as he stated previously the rank and file wants to know why the two qualified candidates did not make it to the second round. He applauded the Commission's effort to make the hiring process transparent than the previous hiring process where there were concerns about the lack of communication on the part of the Commission of not notifying any of the candidates about the status of their application and it seems like it's happening again in</p>	

SUBJECT	DISCUSSION	ACTION
<p><b>Executive Session KFC</b></p>	<p>this current hiring process and that really concerns him.</p> <p>Chair Pacheco thanked Battalion Chief Hudson for his input, then called on Battalion Chief Hudson to address the Commission.</p> <p>Battalion Chief Ormellas stated that he's okay with the Commission's decision to fire Mr. Westerman as a temporary 89 day hire fire chief until the Commission hires a new fire chief. With regard to the current hiring process he asked that the process to be fair and transparent, noting that with all of the upheaval as a result of spiking and the abuse of overtime the they were left to carry the burden and had to work really hard to make sure things run appropriately moving forward. He attest that the spiking and abuse of overtime really did happen and that the audit that's conducted by Council will reveal what really happened.</p> <p>Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to discuss the hiring of a new Fire Chief and other related matters where consideration of matters affecting privacy will be involved, and to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to this agenda item. (On-going)</p>	<p>At 10:06 a.m. Ms. Ching cited the Hawai'i Revised Statute to take the meeting into Executive Session.</p> <p>Chair Pacheco called for a motion to enter into Executive Session.</p> <p>Mr. Nizo moved to enter into Executive Session.</p> <p>Ms. Chahanovich seconded the motion.</p> <p>The motion carried 7:0.</p> <p>At 10:06 a.m. the Commissioners entered into Executive Session.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>Return to Open Session</b></p>	<p>At 10:50 a.m. the Commissioners reconvened in Open Session.</p> <p>Mr. Courson stated that new information has become available relating to item KFC 2019-21 which under Roberts Rules would allow Chair Pacheco to call for a motion for reconsideration; however, the motion to reconsider can only be made by the majority. Chair Pacheco called for a motion for reconsideration and the vote.</p> <p>Mr. Courson stated that the Commission's motion regarding the fire chief's salary was a bit vague as to what the Commission meant by maximum compensation therefore he would call on Ms. Niitani to explain to the Commission what the ambiguity was.</p> <p>Ms. Niitani explained that the compensation would also include things outside of a person's base salary. In Mr. Westerman's case, in addition to his maximum base salary which the Salary Commission has indicated the maximum amount there are other allowances that are afforded to the Fire Chief and the Deputy Fire Chief. She asked that the Commission needs to clarify that separate from his 89 day hire maximum base salary that Mr. Westerman as the temporary fire chief could also receive allowances such as take home vehicle, vehicle allowance for using his own personal vehicle and uniform allowance.</p> <p>Mr. Nizo stated that he'll make a motion to allow Human Resources to provide Mr. Westerman with all of the necessary allowances for the temporary assignment as fire chief. Mr. Levinthol seconded the motion.</p> <p>Mr. Courson asked Chair Pacheco if he could call Mr. Westerman to the mic to make sure the Commission didn't miss anything.</p> <p>Mr. Westerman stated that like Mr. Courson had said it would be a little ambiguous because pay and benefits are a complete package and that the Commission needs to negotiate fairly the allowances with HR as it did with the maximum salary.</p>	<p><u>Motion No. 1</u>                      Mr. Nizo moved to reconsider the motion relating to item KFC 2019-21. Mr. Martinez seconded. The motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Courson stated that he believes the motion made by Mr. Nizo was to provide take home vehicle, car and uniform allowances. With regard to benefits, Ms. Niitani stated that for an 89 day short-term hire there are no benefits (i.e. vacation, holiday pay, sick leave, health insurance and retirement) because he would be receiving a salary as opposed to being paid hourly.</p> <p>Mr. Courson stated that based on Ms. Niitani's explanation Mr. Westerman would not be eligible for benefits, but he would be eligible to receive allowances. Mr. Westerman stated that he would not be pursuing any benefits at this point and that the Commission needs to understand that as a member of the Board of Regents he would like their permission to attend the meetings so that the days that he's on O'ahu, he would assume he would be compensated since he's not eligible for sick leave or vacation. But if that's not the case, as a benefit it needs to be discussed.</p> <p>Ms. Niitani explained that short-term hires are not eligible for those type of benefits period and that there is a law in place to keep retirees returning to the workforce from double dipping, but if the returnee wants to receive those benefits they would have to give up their pension.</p> <p>Mr. Courson stated that to his understanding, Mr. Westerman is okay with the idea of not receiving health insurance, holiday, vacation and sick leave benefits because there will be times when he'll be doing non-related fire things and as a salaried employee he thinks it's a fair shake to which Mr. Westerman replied agreed, and noted that he will be leaving the country for vacation in February to which Mr. Courson replied that as an 89 day hire his contract be suspended for the week (s) he would be gone.</p> <p>Chair Pacheco asked how often does the Board of Regents meet to which Mr. Westerman replied that the meetings happens twice a month with the exception of the Thanksgiving and Christmas holidays, but he'll readily available by phone.</p> <p>With no further discussion, Mr. Courson stated that the motion on the floor is give Mr. Westerman the maximum salary plus the additional allowances allowed by the County of Kaua'i which includes car allowances and uniform allowances.</p>	



SUBJECT	DISCUSSION	ACTION
		<p><u>Motion No. 2</u>                      Mr. Nizo moved to give Mr. Westerman the maximum prorated salary amount and to allow HR to provide him with uniform allowance, a take home vehicle or vehicle allowances. Mr. Levinthol seconded the motion. The motion carried 7:0.</p>
<p><b>Adjournment</b></p>	<p>With no further business to conduct, Chair Pacheco called for a motion to adjourn the meeting.</p>	<p>Mr. Nizo moved to adjourn the meeting. Mr. Levinthol seconded the motion. The motion carried 7:0. At 11:00 a.m. the meeting adjourned.</p>

Submitted by: Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: Alfredo Garces Jr., Chair-elect

- ( ) Approved as circulated on
- ( ) Approved as amended. See minutes of the Commission's \_\_\_\_\_ meeting.